

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE  
FOR THE REGISTERED  
HOLDERS OF WELLS FARGO  
COMMERCIAL MORTGAGE  
SECURITIES, INC.  
MULTIFAMILY MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2018-SB51, et al.

Plaintiffs,

v.

ENGLEWOOD FUNDING, LLC, et  
al.

Defendants.

Civil Action No.

19-17865 (MCA) (LDW)

**DECLARATION OF THE  
HON. DOUGLAS K. WOLFSON,  
J.S.C. (RET.) PURSUANT TO ORDER  
APPOINTING SPECIAL MASTER**

**THE HON. DOUGLAS K. WOLFSON, J.S.C. (RET.)**, of full age, hereby  
declares as follows:

1. On October 18, 2021, the Court entered an Order appointing me as Special Master in this matter.
2. I have familiarized myself with the issues involved in this case. As a result of my knowledge of the case, I can attest and affirm that I know of no grounds for disqualification under 28 U.S.C. § 455 that would prevent me from acting as the

Special Master in this matter.<sup>1</sup>

I declare under penalty of perjury that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: /s/ Hon. Douglas K. Wolfson, J.S.C. (Ret.)  
HON. DOUGLAS K. WOLFSON, J.S.C. (Ret.)

Dated: October 25, 2021

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<sup>1</sup> Please see Rider attached.

### **RIDER**

In connection with my seeking the assistance of the O'Toole Scrivo firm to undertake the task of special allocation Master in this case, I learned from Tom Scrivo that his conflict check showed that one of the Straus brothers, had an ownership interest in one of the entities involved in the claim for surplus funds.

While I do not believe there are grounds for disqualification under 28 U.S.C. 455, in the interest of full disclosure, I believe that the late Peter Herzberg (my former Partner at Greenbaum Rowe) had, at one time, represented Daniel and Moshael Straus (or at least an entity in which they had an ownership interest). I believe that Peter's representation occurred in the 1980s, before I was appointed to the Bench in 1991.

That said, I have no present recollection of what his representation entailed, nor of my having any professional (or personal) involvement with them or any entity in which they had an ownership interest, and since Peter has passed away, I cannot provide any further details.